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UNCLAS SECTION 01 OF 02 TEGUCIGALPA 000885

SIPDIS

SENSITIVE

STATE FOR PM/DTC, WHA/CEN, WHA/PPC
COMMERCE FOR 532/OEA
COMMERCE FOR BUREAU OF INDUSTRY AND SECURITY: BNILSSON AND
DHOOKER

E.O. 12958: N/A

TAGS: KOMC PREL PHUM PARM ETTC ETRD BEXP HO
SUBJECT: DEFENSE TRADE CONTROLS IN HONDURAS; PROBLEMS WITH
LA ARMERIA

REF: A. 02 TEGUCIGALPA 3428

1B. 02 SECSTATE 113261

1C. LYNN-CUMMINS EMAIL 03APR2003

11. (SBU) SUMMARY: La Armeria (The Armory), the only certified firearms distributor in Honduras, continues to exhibit difficulties in complying with State Department guidance regarding the importation of commercial firearms. In December 2002 Post recommended that State deny La Armeria's request to import pistols, revolvers, rifles, and the corresponding ammunition. This recommendation was supported by a variety of factors, including the inordinately high rate of violent crime in Honduras, the lack of any meaningful arms control or regulation by the government, and because La Armeria continues to do business without firm purchase orders, sales contracts, or import licenses. Recently, La Armeria contacted Post expressing an interest in once again importing firearms and ammunition for commercial use. Post reiterated the legal requirements with which La Armeria must comply before any import license can be approved. Post also notes its concurrence with PM/DTC that all Honduran applications must have a specific import certificate and that verification of end use is an important aspect of defense trade controls that continues to be problematic in Honduras.
END SUMMARY

OAS Model Regulations

12. (SBU) The Government of Honduras (GOH) is a signator of the OAS Model Regulations for the Control of the International Movement of Firearms, although it has yet to ratify the agreement. Nevertheless, the MFA has informed Post that it considers the OAS regulations legally binding and that the GOH will comply with its regulations. The agreement requires that the GOH establish an effective import regime and that all firearms import requests be accompanied by a GOH import certificate. To date, it appears that the GOH has yet to establish such a regime. Also, Post is not aware that the GOH has ever issued an import certificate.

13. (SBU) PM/DTC has indicated that it will not consider Honduran firearm and ammunition license applications which are not accompanied by a GOH import certificate. La Armeria has been made aware of this requirement (ref C).

Purchase Orders and/or Sales Contracts

14. (U) Post understands that in order to obtain a license from the Department of State, a U.S. firm or individual seeking an export license must have a firm purchase order or sales contract from the buyer (ref B). Letters of intent, invoices, unconfirmed statements of purchase projections, or likely purchases are not sufficient to meet the requirements for issuance of such a license. It has been the standard operating procedure of La Armeria not to enter into firm contracts of sale or purchase orders, but rather to routinely make projections of arms and munitions that they might or might not purchase. Past investigations at Post have indicated that many times La Armeria obtains "quotes" or "bids" from more than one arms manufacturer for exactly the same product. Thereafter, they might or might not purchase the arms from one of more of the companies that gave them quotes (ref A). Post has informed La Armeria that future applications must contain firm purchase orders and/or sales contracts. La Armeria acknowledges that past applications have lacked firm purchase orders or sales contracts and has indicated that all future orders will comply with this requirement.

La Armeria's Position

15. (U) Article 292 of the Honduran Constitution grants the Honduran Armed Forces the exclusive right of "fabrication, importation, distribution, and sale of firearms, ammunition, and similar items." The constitutional powers of the armed forces in the specific cases of commercial and sporting activities have been delegated to the Institute of Military Provision through a dependency called La Armeria. This makes La Armeria the sole distributor of commercial and sporting firearms in Honduras. La Armeria (run by active-duty military officers) has stated that its special relationship granted under the Honduran constitution exempts the organization from the requirement to have import certificates issued by the GOH. Post notes that in the past, La Armeria has been hampered by corruption.

End Use and Security Considerations

16. (SBU) Post understands that verification of end use is an important aspect of defense trade controls and that Post plays a critical role in this effort. Post carefully analyzes all applications whereby sales are being proposed for "uncontrolled" sales for public use. Recent applications for export licenses to Honduras have indicated that firearms and ammunition were intended for commercial resale to retail customers or governmental agencies. Post understands that the appropriate standard to apply in situations such as this is whether or not the conditions in the country warrant the described sale.

17. (SBU) Honduras has no effective arms control or regulation. Honduran armed forces continue to be deployed to augment police units throughout Honduras in an effort to combat crime and provide a modicum of security. Honduras has one of the highest homicide rates in the Western Hemisphere and gang violence continues to be a serious issue. There is also a high rate of extrajudicial killings, especially of adolescents and young adults, mostly by firearms. Finally, President Maduro has publicly raised concerns about the proliferation of weapons in Honduras and illicit arms trafficking remains a problem. La Armeria has been informed that Post must take local considerations into account when considering whether or not to recommend a particular export license, regardless of whether the proper documentation has been submitted to State for consideration.

18. (U) PolOff and A/DATT are attempting to arrange a meeting with La Armeria representatives at the earliest possible convenience in order to convey once again the legal and procedural requirements necessary to import firearms and ammunition from the United States.

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